REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies that were extended during the recent in person interview held on July 20, 2005. The amendments made by this paper are consistent with the proposals discussed during the interview.

By this paper, claims 1, 2 and 23 have been amended, claims 28-29 and 54-57 have been cancelled and new claims 59-62 have been added, such that claims 1-17 and 59-62 remain pending, of which claims 1 and 23 are the only independent claims at issue.[1]

The Office Action mailed May 31, 2005 considered and rejected claims 1-28 and 54-57. Claims 1-7, 11-29, and 54-57 were rejected under 35 U.S.C. 103(a) as being upatentable over "Gain Control of Application Setup and Maintenance with the New Windows Installer" (Kelly) in view of U.S. Patent No. 6,324,693 (Brodersen et al). Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over "Gain Control of Application Setup and Maintenance with New Windows Installer" (Kelly) and U.S. Patent No. 6,324,693 (Broderson et al.) and further in view of U.S. Patent 6,078,921 (Kelley). Claims 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over "Gain Control of Application Setup and Maintenance with New Windows" (Kelly) and U.S. Patent No. 6,324,693 (Broderson et al.) and further in view of U.S. Patent No. 6,687,873 (Ballantyne et al.)[2]

The drawings filed on December 5, 2001 were also objected to by the Examiner because the Examiner felt that Figures 1 and 2 should be designated by a legend such as –Prior Art—. The drawings were also objected to for purportedly failing to show every feature of the invention specified in claims 7-8.

The rejections to the drawings, however, should now be withdrawn inasmuch as Figures 1 and 2 are not limited to showing only what is prior art and because the elements of claims 7

---

[1] Support for the new claims and amendments is found throughout the specification, including the disclosure found in paragraphs 54-55 and 59-65.

[2] Although the prior art status and some of the assertions made with regard to the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last response, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections.

Page 12 of 15

and 8 are clearly supported by the elements shown in the Figures. In particular, as described during the interview, Figures 1 and 2 show, among other things, an installation file (105), application programs (214) and program modules (215) which are clearly described and supported throughout the specification (explicitly and inherently) as including unique and novel features of the invention. (see, for example, paragraphs 47-53). Accordingly, in view of the forgoing, Applicants respectfully submit that Figures 1 and 2 do not merely illustrate what is already known in the art, and should not, therefore, be labeled as Prior Art.

With regard to the elements recited in claims 7 and 8, dealing with accessing compressed and uncompressed versions of files and decompressing the compressed versions, Applicants respectfully submit that Figure 4, element 401 clearly supports accessing the different versions of compressed and uncompressed versions[3], as described in the specification, and that the act of accessing and causing instructions to be executed (404 and 405) can include the corresponding and claimed act of decompressing. (paragraphs 50-54).

Accordingly, in view of the forgoing reasons, as well as the others presented during the interview, Applicants respectfully submit that all of the objections to the drawings should be withdrawn.

Now, with regard to the pending claims, it was clarified during the interview how the claimed invention is directed to embodiments in which a configuration manager is used to control installation of files received at a mobile computing device, particularly when considering the mobile computing device can be a wireless telephone or PDA. It was also made clear during the interview how the cited art, when considered alone or in combination, fails to disclose or suggest any such method or system.

Kelly, which is the primary reference, for example, is directed to a specialized installer that clearly does not utilize the configuration manager (which changes and manages configuration settings of the mobile computing device) to control installation of files in the manner recited in the pending claims, and particularly when considering that this requires the installation instructions to be structured according to a schema associated with the configuration

---

[3] It is not necessary that the Figures explicitly recite the state of compression of the accessed versions. For example, assuming a claim was recited for a chair with legs, it would likely be necessary for a figure of the chair to show at least one of the legs. However, it would not be necessary for the Figures to explicitly show the legs were made of wood, plastic, metal, or any other composition, assuming there were also dependent claims reciting the composition of the legs of the chair.

manager and such that the configuration manager can parse both configuration setting instructions as well as file operation instructions.

The benefit of this is that the functionality of the configuration manager can be leveraged, without having to duplicate this functionality in specialized installers.

Contrary to the present invention, Kelly (the primary reference) is directed to a Windows installer, that is configured to make application installation and ongoing management part of the basic Windows system services. It will be noted, however, that the Windows installer is not the configuration manager (that changes and manages the configuration settings of the mobile computing device), for at least the reasons provided above, as well as those presented during the interview.

The other cited references also fail to compensate for the failings of Kelly and were only cited for ancillary issues. In particular, Ballantyne was cited for the teaching that XML supports XML schema documents, Broderson was cited for the teaching that a laptop is a mobile computing device[4], and Kelley was cited for the teaching that an installation file can be uncompressed.

In view of the foregoing, Applicants respectfully submit that all of the rejections of record are now moot, such that it is not necessary to address each of the other assertions of record in the last response. Nevertheless, Applicants reserve the right to challenge any of said assertions in the future. Accordingly, although the foregoing remarks are primarily directed to the independent claims, it will be appreciated that the dependent claims should also be found allowable over the art of record for at least the same reasons. Accordingly, it is not necessary to individually address the rejections to each of the dependent claims at this time. Nevertheless, a few of the dependent claims will be addressed by the following remarks, as discussed during the interview, to even further distinguish the claimed invention over the art of record.

Claim 59, for example, clarifies a manner in which the rollback document is created 59, which is neither anticipated by nor made obvious by the art of record. Claim 60 also clarifies the

---

[4] In regard to the teaching of Brodersen, that a laptop can be a mobile computing device, applicants do not disagree with that term being construed that way. Accordingly, new claim 62 has been provided to support the embodiment in which the mobile computing device is restricted to a PDA or mobile computing device, and to provide desirable scope to claim 1 through claim differentiation. Initially, this claim was going to be incorporated into the independent claims. However, rather than incorporate this limitation at this time, it will be presented in dependent form so that the independent claims can be examined more closely with regard to the clarification that the configuration manager is controlling the installation of the installation files in the manner recited.
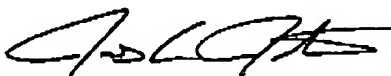
determination as to whether the installation instructions will be successful is determined at least in part based on the use of a role mask, and claim 61 clarifies that the installation instructions are committed by the configuration manager only upon first determining that execution of the installation instructions will be successful. These new claims clearly recite additional teachings that are neither anticipated by nor made obvious by the cited art of record, particularly when considering that the determination as to whether installation instructions will be successful occurs prior to executing the installation instructions (claim 2).

In view of the forgoing, Applicants respectfully submit that the pending claims are now in condition for prompt allowance over the art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this ___2___ day of August, 2005.

Respectfully submitted,

RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant

Customer No. 47973

RDN:JCJ:ppa
W:\13768\219\PPA0000000532V001.DOC